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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/909,248	07/19/2001	Biswa R. Banerjee	11465/491	9312

7590

07/22/2002

Patent Administrator  
Suite 1600  
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Chicago, IL 60661-3693

EXAMINER

BRIER, JEFFERY A

ART UNIT

PAPER NUMBER

2672

DATE MAILED: 07/22/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/909,248

Applicant(s)

BANERJEE ET AL.

Examiner

Jeffery A. Brier

Art Unit

2672

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 31 May 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1, 6 and 7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 6 and 7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Response to Amendment***

1. Page 1 and claims 1, 6 and 7 have been amended. Claim 11 has been cancelled.

***Claim Objections***

2. Claim 6 is objected to because of the following informalities: At line 7 of claim 6 "wireless received" should be --wireless receiver--. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1, 6 and 7 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim1:

The limitations added to claim 1 are not found in the originally filed specification. The limitation at lines 1 and 2 "having a plurality of application programs" was not described in the originally filed specification. The specification described at page3 line 17 "a database", page 6 line 27-28 "an application", page 7 line 26 "any program", page

8 line 16 "a program" , page 8 line 18 "windows program" and page 21 lines 21-22 "Viewer manager 200 interacts with the application program 325 in host computer 101". It is clear from these portions of the originally filed specification that applicant did not describe the host computer as having a plurality of application programs. Similarly the limitation at lines 11 and 12 "(ii) causing any one of said plurality of application programs to be run on said host computer" was not described in the originally filed specification.

The limitation at lines 12 and 13 "without a network connection being established between said host computer and said interface device" was not described in the originally filed specification. The specification describes at page 10 lines 6 to 7, page 12 line 26 to page 13 line 13, page 15 lines 29-36 and page 22 line 15 did not describe this limitation because a link was made between the viewer 100 and host computer 101 by sending packets in a communication protocol between the two devices. Packets are groups of data used in networks that includes source and destination identifiers, thus, the communication between applicants viewer 100 and host computer 101 is performed by a network connection using communication protocols.

Claim 6:

The limitations at lines 6 and 8-9 of claim 6 were not described in the originally filed specification for the reasons given for claim 1. The limitation at lines 3-5 "for transmitting data from said input device for a selected application program and receiving a response to said data from said selected application program" was not described in

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the originally filed specification. The specification at page 21 lines 5-13 does not describe "a selected application".

Claim 7:

Even though this claim claims a local area network, this claim does not correct all of the non-description problems of parent claim 6.

5. Claim 7 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Parent claim 6 claims "a wireless receiver and transmitter circuit for communication with said hand held interface device without a network connection" and dependent claim 7 claims "A computer system as in claim 6, wherein said wireless receiving and transmitter circuit is accessed by said host computer as a shared resource on a local area network." Since the limitation of claim 7 is a network it is not clear whether the negative limitation "without a network connection" of claim 6 is in effect in claim 7 or it has been removed.

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***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in–

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

7. Claims 1, 6, and 7 are rejected under 35 U.S.C. 102(e) as being anticipated by McCain, U.S. Patent No. 5,309,351. This reference with an effective filing date of October 27, 1988 describes a portable touch screen display which uses an infrared link as a connection to a host computer implemented with a local computer having appropriate wireless node capability (column 7 lines 2-3 and column 6 line 65 to column 7 line 10) which performs application processing with selectable multiple applications (column 9 lines 27-60 and column 7 lines 4-10) and provides display information to the portable touch screen display via the infrared link. Especially note column 7 lines 30-33 and lines 58-60 and column 9 lines 46-47 and column 10 lines 41-46 which describes a portable unit constructed of a minimum of parts with limited processing capability. Also note In re Graves, 36 USPQ2d 1697, 1701 (CAFC December 4, 1995) which teaches that fundamental technical information known to one of ordinary skill in the art need not be explicitly taught by the reference for the reference to show that the claimed invention is old under 35 U.S.C. § 102.

Claim 7:

McCain in figure 1 shows a local area network.

***Response to Arguments***

8. Applicant's arguments filed 05/31/2002 have been fully considered but they are not persuasive. Applicant argues that McCain does not teach the limitations added to independent claims 1 and 6. These arguments are not persuasive because:

McCain selects from many applications a program to be loaded onto the host computer (column 9 lines 27-60); and

McCain may use either a network connection (column 7 lines 1-2) or may use a non-network connection (column 7 lines 2-3).

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffery A. Brier whose telephone number is (703) 305-4723. The examiner can normally be reached on M-F from 6:30 to 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi, can be reached at (703) 305-4713).

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

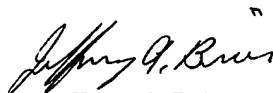
Washington, D.C. 20231

**or faxed to:**

**(703) 872-9314 (for Technology Center 2600 only)**

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

  
Jeffery A Brier  
Primary Examiner  
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